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4 SUPERIOR COURT OF THE STATE OF CALIFORNIA
5 COUNTY OF SAN BERNARDINO

6 JEFF MACY, as an individual,

7 Plaintiff,

8 vs.

9 CALIFORNIA HIGHWAY PATROL, a State
10 Agency; Officer CHRISTOPHER BATES,
Supervisor Officer Sergeant JEFFREY
O'BRIEN, & DOES 1-10, inclusive,

11 Defendants.

12 PLAINTIFF JEFF MACY ("Mr. Macy), through his undersigned counsel,
13 hereby files this Discovery Motion against Defendants California Highway Patrol
14 Running Springs, Christopher Bates ("Bates"), Jeffrey O'Brien ("O'Brien"), & Does
15 1 to 10, inclusive (collectively "Defendants"), alleges as follows:

16 **JURISDICTION & VENUE**

17 1. This Court has original jurisdiction pursuant to 28 U.S.C. §§ 1331 & 1333(a)
18 (3-4) because Plaintiffs assert claims arising under the laws of the United
19 States including 42 U.S.C. §§ 1983 & 1985, the Fourth & Fourteenth
20 Amendments of the United States Constitution. This court has
21 supplemental jurisdiction over State Law Claims pursuant to 28 USC § 1333
22 because those claims are so related to Plaintiff's Federal Claims that the
23 claims form part of the same case &/or controversy pursuant to Article III
24 of the United States Constitution.
25
26 2. Venue is properly founded in this judicial district pursuant to 28 USC §§
27 1333(b) & (c) in that a substantial part of the events giving rise to the

1 claims in this action occurred within this District & Defendants are subject
2 to personal jurisdiction in this district.
3

4 **PARTIES**
5

6 3. Plaintiff Jeff Macy, is a citizen of the State of California, & at all relevant
7 times herein was a resident in San Bernardino County in the State of
8 California.
9 4. Defendant California Highway Patrol Running Springs, is & at all times
10 relevant a public entity located in the County of San Bernardino & existing
11 under the laws of the State of California.
12 5. Defendant Christopher Bates is & at all times relevant a resident in the
13 County of San Bernardino & existing under the laws of the State of
14 California.
15 6. Defendant Jeffrey O'Brien is & at all times relevant a resident in the
16 County of San Bernardino & existing under the laws of the State of
17 California.
18 7. On information & belief at all times relevant, Defendant DOES 1-10 were
19 residents of the County of San Bernardino & are sued in their individual
capacity.

20 **I. Introduction**
21

22 Plaintiff is filing for a Discovery Motion as Defendant Jeffrey O'Brien's
23 Response to Plaintiff's Request for Production of Documents CD was seemingly
24 intentionally cracked & unusable; would not play. Defendant Christopher
25 Bates's Response to Plaintiff's Request for Production of Documents CD was
26 edited, can clearly see at 37 minutes & 39 minutes, & multiple other times in the
27 video that there were many time skips. The audio in the video was also distorted
28

1 & mangled, so that the sound was inaudible & the Officers speaking couldn't be
2 heard. One video is intentionally cracked & the other is intentionally edited.
3

4 II. Discussion

5 Defendants are intentionally withholding evidence from Plaintiff. The
6 purpose of Highway Patrol Officers having Dash-cams is for evidence. Officers
7 know they have to be recordable, video/audio recorded; according to the First
8 Amendment. (Glik v. Cunniffe, 655 F.3d 78 (1st Cir. 2011) It is a public right to be
9 able to record Highway Patrol Officers on duty. Highway Patrol Officers do not
10 have an Amendment right to not be recorded while on their official duty.

11 YouTube Video showing the intentionally cracked CD:

12 <https://youtu.be/R9FY7r6l9vg?feature=shared>

13 Plaintiff believes that the files he received have been altered because
14 both Production of Document CDs are different. Defendant Christopher Bates'
15 Production of Documents CD had no time stamp & distorted sound, so that it
16 would seem like it wasn't a prolonged traffic stop/detainment. YouTube Video
17 showing Defendant Christopher Bates' Production of Documents CD which has
18 been clearly been altered, even shows blur over faces:

19 <https://www.youtube.com/watch?v=-4g78g5BkBk> Whereas, Defendant Jeffrey
20 O'Brien's Production of Documents CD did have a time stamp & the sound
21 wasn't as distorted. YouTube Video showing Defendant Jeffrey O'Brien's
22 Production of Documents CD:

23 <https://www.youtube.com/watch?v=cAqt3wuKo1s> On 06/27/23, about a
24 minute after Plaintiff & Family left the dump, Plaintiff was pulled over by
25 Defendant Officer Bates, as shown in Exhibit #1 Dump Weight Receipt.
26 Defendants tampered with the evidence because Defendants don't want it to
27 seem like a prolong detainment. Plaintiff was afraid that Defendants would edit

1 the video, which is why Plaintiff requested the unedited footage through public
2 records requests right after the detainment, but the videos were not provided.
3

4 **III. Conclusion**

5 For the reasons set forth above, Plaintiff's Discovery Motion should be
6 approved. Plaintiff asks that the court will compel the Defendants to provide
7 unedited videos of the traffic stop as requested & have a trial, so Defendant's
8 cannot harass Plaintiff. Please rule in favor of Plaintiff.

9 **DISCOVERY MOTION**

10 Plaintiff hereby motions for a Discovery Motion to compel Defendants for
11 proper evidence.

12 Respectfully Submitted,

13
14 By Plaintiff: Jeff Macy

15 Jeff Macy

16
17 Date: 12/2/24